

**CITY OF FARMINGTON**

**BILL 17052019**

**ORDINANCE 11-2I 144**

**AN ORDINANCE OF THE CITY OF FARMINGTON, MISSOURI APPROVING AN AMENDMENT TO THE MUNICIPAL CODE OF THE CITY OF FARMINGTON, TITLE IV: LAND USE, CHAPTER 405: ZONING REGULATIONS BY ADDING A NEW SECTION RELATED TO MEDICAL MARIJUANA.**

**WHEREAS**, the City of Farmington acknowledges that voters passed an Amendment to Article XIV of the Missouri Constitution enabling licensed citizens the right to the use of, cultivation of, manufacturing of, dispensing of, testing of, transportation of, administration of and storage of Medical Marijuana and Medical Marijuana-Infused Products; and,

**WHEREAS**, the Planning and Zoning Commission has affirmatively recommended said amendment; and,

**WHEREAS**, the City desires to protect the public health and safety by establishing reasonable regulations on medical marijuana related businesses regarding noise, air quality, neighborhood safety, security, other health and safety concerns, and time, place and manner restrictions on medical marijuana facility operations; and

**WHEREAS**, a public hearing on said amendment was held by the City Council on June 13, 2019 wherein all interested parties were afforded the opportunity to voice their opinion of said amendments; now therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, MISSOURI, AS FOLLOWS:**

**SECTION 1.** Section 405.040 “Definitions” of the Code of Farmington, Missouri is amended to add the following definitions. If any of the new definitions adopted herein conflict with any preexisting definitions, the definitions in this Ordinance shall supersede any preexisting definitions:

**Church.** A building primarily used for public religious worship and associated religious functions (education, fellowship, etc.), including synagogues and temples.

**Marijuana or Marihuana.** Cannabis Indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

**Marijuana-Infused Products.** Means products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

**Medical Marijuana Cultivation Facility.** A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

**Medical Marijuana Dispensary Facility.** A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient, a primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana- Infused Projects Manufacturing Facility.

**Medical Marijuana-Infused Products Manufacturing Facility.** A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.

**Medical Marijuana Transportation Facility.** A facility certified by the State of Missouri to transport medical marijuana to a qualifying patient, a primary caregiver, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana-transportation facility.

**Qualifying Patient.** A Missouri resident diagnosed with at least one qualifying medical Condition as defined by Amendment 2 of the Missouri Constitution.

**School.** Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.

**SECTION 2.** That Table A of the Zoning Ordinance is hereby amended by inserting the following rows and column headings as related to Medical Marijuana Facilities defined in Section 1:

1.

USE DESCRIPTION		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	OA-1	OP-1	I-1	I-2	I-3
Licensed medical marijuana cultivation facility undercover	AG	N	N	N	N	N	N	N	N	N	N	N	N	P(4)	P(4)	P(4)

2.

USE DESCRIPTION		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	OA-1	OP-1	I-1	I-2	I-3
Licensed medical marijuana-infused product facilities,	AG	N	N	N	N	N	N	N	N	N	N	N	N	P(4)	P(4)	P(4)



3.

USE DESCRIPTION		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	OA-1	OP-1	I-1	I-2	I-3
Testing Laboratory (physical, chemical, and other analytical testing services, except tests on animals)	AG	N	N	N	N	N	N	N	N	N	N	N	N	P(4)	P(4)	P(4)

4.

USE DESCRIPTION		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	OA-1	OP-1	I-1	I-2	I-3
Medical Marijuana Dispensaries (Indoor Only)	C	N	N	N	N	N	N	N	P(4)	P(4)	S(4)	N	P(4)	N	N	N

5.

USE DESCRIPTION		R-1	R-2	R-3	R-4	R-5	R-6	R-7	C-1	C-2	C-3	OA-1	OP-1	I-1	I-2	I-3
Licensed medical marijuana-transportation facility	AG	N	N	N	N	N	N	N	N	N	N	N	N	P(4)	P(4)	P(4)

6. A footnote “4. Licensed marijuana facilities must also meet certain buffer distance requirements as defined in 405.240. A dispensary is further restricted to being not less than one thousand (1000) feet in proximity to another dispensary.” shall be added at the bottom of Table A.

**SECTION 3.** Chapter 405 Article VI Supplementary Regulations of the Code of City of Farmington, Missouri is hereby amended to add a new Section 405.240 Standards Medical Marijuana Facilities.

1. Medical Marijuana Dispensary. No building shall be constructed, altered or used for a Medical Marijuana Dispensary without complying with the following regulations this subchapter.

A. No Medical Marijuana Dispensary shall be located within one thousand (1000) feet of a then existing elementary or secondary school, child day care center, or church. Measurements shall be in a method consistent with Missouri State Department of Health and Senior Services Rules and Regulations related to Medical Marijuana Facilities. For the purpose of this section, “then existing” shall mean any school, child day-care center, or church with an issued building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Dispensary first applies for either a zoning or a building permit, whichever comes first.

B. Operations. All operations and storage of materials, products, or equipment shall be within a fully secured area inside the building structure.

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary Building.

D. Hours of Operation. All sales or distribution of Medical Marijuana and any other products sold to the public through a Medical Marijuana Dispensary may only take place between the hours of 7:00 AM and 10:00 PM, Monday-Sunday. Medical Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Medical Marijuana Dispensary may be present in such facility at any time it is closed to the public.

E. Display of License Required. The Medical Marijuana Dispensary license issued by the state of Missouri shall be displayed prominently in a highly visible location, easily seen by patients on the dispensary's sales floor.

F. Site Plan Review. Any plans for a Medical Marijuana Dispensary shall meet the standards of the current adopted International Building Code any other requirements set forth in City ordinance.

G. Odor. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance as defined in Section 205.010. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.

H. Licensed Medical Marijuana Dispensaries are further restricted to being not less than one thousand (1000) feet in proximity to other licensed Medical Marijuana Dispensaries.

2. Medical Marijuana-Infused Products Manufacturing Facility. No building shall be constructed, altered or used for a Medical Marijuana-Infused Product Facility without complying with the following regulations this subchapter.

A. No Medical Marijuana-Infused Products Manufacturing Facility shall be located within one thousand (1000) feet of a then existing elementary or secondary school, child day care center, or church. Measurements shall be in a method consistent with Missouri State Department of Health and Senior Services Rules and Regulations related to Medical Marijuana Facilities. For the purpose of this section, "then existing" shall mean any school, child day-care center, or church

with an issued building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana-Infused Products Manufacturing Facility first applies for either a zoning or a building permit, whichever comes first.

B. Operations. All operations and storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by razor wire fence at least ten (10) feet in height, not including the razor wire.

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana-Infused Products Manufacturing Facility.

D. Hours of Operation. All Medical Marijuana-Infused Products Manufacturing Facilities shall be closed to the public, between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the business shall be on the premises at any time without being an approved entry and logged in by building security personnel and are required to obtain a visitor pass.

E. Display of License Required. The Medical Marijuana-Infused Products Manufacturing Facility license issued by the state of Missouri shall be displayed prominently in a highly visible location near the front desk of the facility.

F. Site Plan Review. Any plans for a Medical Marijuana-Infused Products Manufacturing Facility shall meet the standards of the current adopted International Building Code any other requirements set forth in City ordinance.

G. Odor. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance as defined in Section 205.010. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.

3. Medical Marijuana Cultivation Facilities. No building shall be constructed, altered or used for a Medical Marijuana Cultivation Facility without complying with the following regulations this subchapter. All Medical Marijuana Cultivation Facilities shall be located indoors. No cultivation of medical marijuana shall occur outdoors.

A. No Medical Marijuana Cultivation Facility shall be located within one thousand (1000) feet of a then existing elementary or secondary school, child day care center, or church. Measurements shall be in a



method consistent with Missouri State Department of Health and Senior Services Rules and Regulations related to Medical Marijuana Facilities. For the purpose of this section, “then existing” shall mean any school, child day-care center, or church with an issued building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Cultivation Facility first applies for either a zoning or a building permit, whichever comes first.

B. Operations. All storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by razor wire fence at least ten (10) feet in height, not including the razor wire.

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Cultivation Facility.

D. Hours of Operation. All Medical Marijuana Cultivation Facilities shall be closed to the public, between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the business shall be on the premises at any time without being an approved entry and logged in by building security and are required to obtain a visitor pass.

E. Display of License Required. The Medical Marijuana Cultivation Facility license issued by the state of Missouri shall be displayed prominently in a highly visible location near the front entrance of the facility.

F. Site Plan Review. Any plans for a Medical Marijuana Cultivation Facility shall meet the standards of the current adopted International Building Code any other requirements set forth in City ordinance.

G. Odor. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance as defined in Section 205.010. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.

4. Medical Marijuana Testing Facility. No building shall be constructed, altered or used for a Medical Testing Facility without complying with the following regulations this subchapter.

A. No Medical Marijuana Testing Facility shall be located within one thousand (1000) feet on a then existing elementary or secondary school, child day care center, or church. Measurements shall be in a

method consistent with Missouri State Department of Health and Senior Services Rules and Regulations related to Medical Marijuana Facilities. For the purpose of this section, "then existing" shall mean any school, child day-care center, or church with an issued building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Testing Facility first applies for either a zoning or a building permit, whichever comes first.

B. Operations. All operations and storage of materials, products, or equipment shall be within a fully secured area inside the building structure.

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Testing Facility.

D. Hours of Operation. All Medical Marijuana Testing Facilities shall be closed to the public, between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the business shall be on the premises at any time without being an approved entry and logged in by building security and are required to obtain a visitor pass.

E. Display of License Required. The Medical Marijuana Testing Facility license issued by the state of Missouri shall be displayed prominently in a highly visible location near the front entrance of the facility.

F. Site Plan Review. Any plans for a Medical Marijuana Testing Facility shall meet the standards of the current adopted International Building Code any other requirements set forth in City ordinance.

G. Odor. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance as defined in Section 205.010. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.

5. Medical Marijuana Transportation Facilities. No building shall be constructed, altered or used for a Medical Marijuana Transportation Facility without complying with the following regulations this subchapter. All Medical Marijuana Transportation Facilities shall be located indoors.

A. No Medical Marijuana Transportation Facility shall be located within one thousand (1000) feet of a then existing elementary or secondary school, child day care center, or church. Measurements shall

be in a method consistent with Missouri State Department of Health and Senior Services Rules and Regulations related to Medical Marijuana Facilities. For the purpose of this section, "then existing" shall mean any school, child day-care center, or church with an issued building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Transportation Facility first applies for either a zoning or a building permit, whichever comes first.

B. Operations. All operations and storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by razor wire fence at least ten (10) feet in height, not including the razor wire.

C. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Transportation Facility.

D. Hours of Operation. All Medical Marijuana Transportation Facilities shall be closed to the public, between the hours of 10:00 P.M. and 8:00 A.M. No persons not employed by the business shall be on the premises at any time without being an approved entry and logged in by building security and are required to obtain a visitor pass.

E. Display of License Required. The Medical Marijuana Transportation Facility license issued by the state of Missouri shall be displayed prominently in a highly visible location near the front entrance of the facility.

F. Site Plan Review. Any plans for a Medical Marijuana Transportation Facility shall meet the standards of the current adopted International Building Code any other requirements set forth in City ordinance.

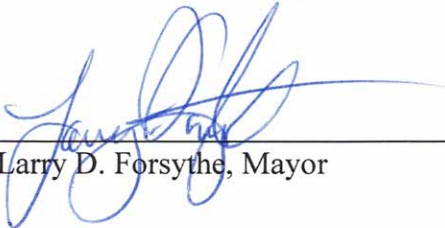
G. Odor. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance as defined in Section 205.010. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor of marijuana or fumes from leaving the facility.



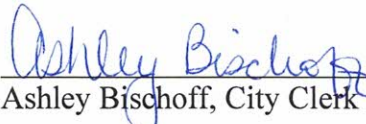
**SECTION 4.** The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

**SECTION 5.** This Ordinance shall be in full force and effect from and after the date of its passage.

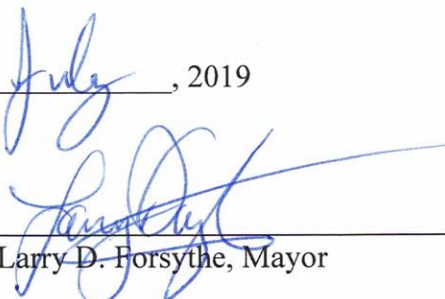
**DULY READ AND PASSED THIS 11TH DAY OF JULY, 2019.**

  
\_\_\_\_\_  
Larry D. Forsythe, Mayor

ATTEST:

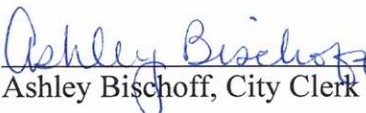
  
\_\_\_\_\_  
Ashley Bischoff, City Clerk


Approved this 11th day of July, 2019

  
\_\_\_\_\_  
Larry D. Forsythe, Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Ashley Bischoff, City Clerk

  
\_\_\_\_\_  
R. Scott Reid, City Counselor